

Notice of Allowability

Application No.

10/047,438

Examiner

Dr. Kailash C. Srivastava

Applicant(s)

GUTTMAN ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/05/2005.
2. ☒ The allowed claim(s) is/are 1,2,4-8,11-13,15-19 and 34-36.
3. ☒ The drawings filed on 1/14/2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>7&9.6.2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11.2204&5.23.05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendments and Comments

1. Applicants' response and amendment filed 05 April 2005 to Office Action mailed 05 October 2004 is acknowledged and entered.

CLAIMS STATUS

2. Claims 34-36 are added.
3. Claims 3, 9-10, 14 and 20-33 have been cancelled.
4. Claims 1, 7-8, 11-13 and 16-19 have been amended.
5. Claims 1-2, 4-8, 11-13, 15-19 and 34-36 are pending and are examined on merits.

Examiner's Amendment

6. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in telephone interviews on 07 and 09 June 2005 with Dr. Jim Daly, Applicants' Representative.

In the Claims:

- Claim 3 is canceled and is replaced with Claim 36 as follows:
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36. The method of claim 2, wherein the incubating is for a time period less than that required for a reaction taking place in a non-nanoporous structure. --.
- Claims 7-8, 19 and 34 are amended as follows:
 - In Claim 7, at line 2, the word, "characteristic" is replaced with the word -- parameter--
 - In Claim 8, at line 2, the word, "characteristic" is replaced with the word -- parameter--
 - In Claim 8, at line 4, the word, "characteristic" is replaced with the word -- property --.
 - In Claim 19, at line 1, the number, "1" is replaced with number --2--.
 - In Claim 19, at line 3, the word, "suitable" is replaced with the word --appropriate --.
 - In Claim 34, the phrase, "of less than 1 μm " abridging lines 1 and 2 is replaced with the phrase --ranging from about 1 nm to about 1 μm --.

7. The following is Examiner's statement of reasons for allowance:

The closest prior art are: Mauck (U.S. patent 5,032,504), Jacobson et al. (Analytical Chemistry, 1996, Volume 68, pages 720-723), Guttman et al (U.S. Patent 5,370,777) and Guttman et al (Electrophoresis, 2000, Volume 21, Pages 3952-3964). None of said prior art references teach a method to react two reactants in a reaction to make a product, wherein said reaction takes place in the nanopore of a nanoporous membrane or a nanoporous bead as is claimed in the instant application. Thus, the prior art references cited *supra* do not teach or reasonably suggest a method to obtain the claimed invention.


Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1-2, 4-8, 11-13, 15-19 and 34-36 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (571)-272-0926 Monday through Thursday. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). Alternatively, status inquiries should be directed to the receptionist whose telephone number is (703) 308-0196.

 Kailash C. Srivastava, Ph.D.
Patent Examiner
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June 9, 2005



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